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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT

(Yolo)

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THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL DEAN MINIX,

Defendant and Appellant.

C060436

(Super. Ct. No.  
042852)

On May 1, 2004, defendant Michael Dean Minix blocked the path of an 11-year-old girl and her grandmother as they walked to their apartment. He grabbed the girl and pushed the grandmother to the ground. He pulled the girl off the walkway and pinned her against a wall. The grandmother got up and hit him in the head with a purse full of quarters. When defendant formed a fist to hit the grandmother, the girl screamed and defendant fled on his bicycle. Later that day, defendant approached a woman and her eight-year-old daughter and offered to help carry an item to their apartment in the same complex. The mother accepted his help. Defendant entered their apartment

and sat on the couch uninvited. He grabbed the girl, had her sit on his lap, and rubbed her leg. The mother pulled her daughter away and ordered defendant to leave. He wanted a hug but the mother refused. As she pushed him away, he grabbed the mother's breast and then left. Defendant next approached a girl and boy playing in a patio of an apartment in the same complex. He grabbed the girl and tried unsuccessfully to lift her over the fence. She struggled free. The girl and boy ran into the apartment. Defendant got in a Jeep and drove towards the assistant manager of the apartment complex who had been alerted about defendant's behavior and was attempting to write down defendant's license plate number. The assistant manager got out of the way. Officers arrived and chased defendant into an apartment whose occupants were able to flee. When defendant came out, he held a metal cable and lock. He was then apprehended.

Charged with 10 offenses, defendant entered a plea of not guilty and not guilty by reason of insanity. Defendant was eventually found competent to stand trial and the parties reached the following agreement: defendant would enter a no contest plea to lewd and lascivious conduct with a child under the age of 14 years (Pen. Code, § 288, subd. (a); count 1) and kidnapping of a child under the age of 14 years (Pen. Code, §§ 207, subd. (a)/208, subd. (b); count 2) and would submit the issue of his sanity on the doctors' reports. Both doctors opined that defendant was suffering from a mental disease (a psychotic disorder, likely paranoid schizophrenia, bipolar

disorder with psychotic features, or schizoaffective disorder) and was incapable of knowing or understanding the nature and quality of his actions at the time of the offenses or did not appreciate the wrongfulness of his acts at the time. The prosecutor commented that her office had conducted further investigation and conferred with another doctor who came to the same conclusions.

Defendant entered his no contest pleas accordingly and the court found him not guilty by reason of insanity. The court dismissed the remaining counts (assault with a deadly weapon, a felony, and sexual battery, unauthorized entry, resisting, two counts of battery, and two counts of battery on a peace officer, all misdemeanors). The court committed defendant to the state hospital with a maximum commitment time of 13 years. (Pen. Code, § 1026.5, subd. (a)(1).)

Defendant appeals. We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

## DISPOSITION

The judgment (order of commitment for insanity) is affirmed.

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HULL, Acting P. J.

We concur:

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ROBIE, J.

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BUTZ, J.